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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BUENGER, Joachim et. al.

Examiner: KISHORE, G.

Serial No.: 09/936,660

Group Art Unit: 1615

Filed: September 27, 2001

Title: METHOD FOR PRODUCING COSMETIC OR PHARMACEUTICAL FORMULATIONS BY MEANS OF A MICROMIXTURE DIRECTLY BEFORE USE

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated January 13, 2003, please consider the remarks which follow.

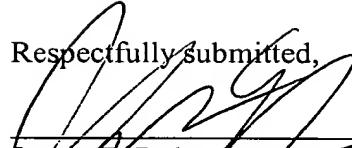
REMARKS

Applicants elect with traverse the species for a process including preparing an emulsion.

Claims 1-7 and 13 are readable upon the elected species. Applicants traverse the election requirement on the basis that the Examiner has not provided any evidence that an undue searching burden would be necessary to search the full scope of the claims.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


James E. Ruland, Reg. No. 37,432
Attorney/Agent for Applicant(s)

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Attorney Docket No.: MERCK-2305
Date: March 13, 2003